

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Craig Cunningham

Plaintiff.

v.

Case No. 16-cv-761

MICHAEL MONTES,
TOLLFREEZONE.COM, INC.
MYDATAGUYS.COM, INC.
PODMUSICGEAR.COM. INC.
Defendants.

And

Wells Fargo Bank, N.A.
Garnishee-Defendant

ANSWER OF GARNISHEE-DEFENDANT WELLS FARGO BANK, N.A.

Garnishee - Defendant Wells Fargo Bank, N.A., by its undersigned counsel, answers the Garnishment Complaint as follows:

1. Garnishee admits that it is indebted to the Defendants in the amount of \$0.00.
2. Garnishee admits that it has possession or control of property of the Defendant Mydataguys.Com and Tollfreezone.Com (checking accounts) subject to: a) the Bank's charges and attorney's fees and expenses in responding to process and b) an October 24, 2017 prior Court of Common Pleas of Montgomery County Pennsylvania Writ of Execution in Case No. 2017-25050 obtained by the Plaintiff Craig Cunningham, pro se, in that Court and therefore holds funds in the amount of \$0.00 for this action. A copy of the Montgomery County Writ of Execution is attached.

WHEREFORE, Garnishee Wells Fargo Bank, N.A. requests the following relief:

1. The entry of an appropriate Order for Dismissal which dismisses Wells Fargo Bank, N.A. from this case; and
2. For such other and further relief as to the Court may be just and equitable under the circumstances of this case.

Dated: November 21, 2017

Joseph E. Fenzel, S.C.
s/ Joseph E. Fenzel

Joseph E. Fenzel (SBN #01008793)

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IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CRAIG CUNNINGHAM

vs.

MICHAEL MONTES

NO. 2017-25050

WRIT OF EXECUTION

Commonwealth of Pennsylvania, County of Montgomery

To the Sheriff of MONTGOMERY County

To satisfy the judgment, interest and costs against EMAILMYVMail.COM INC; MICHAEL MONTES; MYDATAGUYS.COM LLC; PODMUSICGEAR.COM INC; TOLLFREEZONE.COM, INC, defendant(s)

(1) You are directed to levy upon the property of the defendant(s) and to sell the defendant's interest therein;

(2) You are also directed to attach the property of the defendant not levied upon in the possession of WELLS FARGO BANK NA as garnishee

(specific description of property)

and to notify the Garnishee(s) that

- (a) an attachment has been issued;
- (b) except as provided in paragraph (c), the garnishee(s) is/are enjoined from paying out any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;
- (c) the attachment shall not include any funds in an account of the defendant(s) with a bank or other financial institution
 - (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or
 - (ii) that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the execution officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42PA.C.S § 8123
- (3) if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee(s), you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

COSTS:

Prothonotary: \$ 39.25

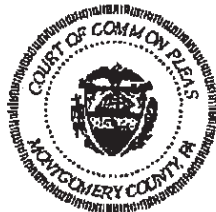
Sheriff: \$ 714

Amount Due: \$ 176450.00

Interest: \$ 174.03

Total: \$ 176624.03

Plus costs as per endorsement heron.



Date: 10/24/2017


Prothonotary

Theresa Dech
Agent/Deputy

CERTIFICATE OF SERVICE

The undersigned certifies that: On the 21st day of November, 2017, he electronically filed the attached Answer of Garnishee Defendant Wells Fargo Bank and this Certificate and that copies of these documents were served by electronic filing to ECF participants (Attorney Sage) and (Attorney Kevin Trost for Defendants).

s/ Joseph E. Fenzel

Joseph E. Fenzel

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